

REMARKS

Claims 1-26 are pending in the present application. No amendments have been added by way of the present submission. Thus, no new matter has been added.

The Examiner has required election in the present application between:

Group I, claim 11(A), drawn to a process;

Group II, claim 11(B), drawn to a process;

Group III, claims 12 and 18, drawn to a process;

Group IV, claims 13, 19 and 20, drawn to a process;

Group V, claim 14, drawn to a process;

Group VI, claims 15 and 23-26, drawn to a process;

Group VII, claim 16, drawn to a process;

Group VIII, claims 17, 21 and 23 drawn to a process; and

Group IX, claim 18, drawn to a process.

The requirement for restriction is respectfully traversed. Reconsideration and withdrawal thereof are requested.

**For the purpose of examination of the present application, Applicants elect, with traverse, Group I, Claim 11, in order to initiate the prosecution of the present application. Per a telephone conversation with the Examiner, it is Applicants' understanding that Group I now includes Claim 11(A) through (C). This will be discussed further below.**

The Examiner alleged that the inventions listed as Groups I-VII do not relate to single inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for inventions I and II lack unity of invention as being multiple processes of preparing and inventions I-IX lack of unity as they produce chemically different compounds. Applicants respectfully disagree and submit that there exists no undue administrative burden to search and examine all claims in their entirety.

### **Inconsistencies in the Outstanding Office Action**

#### **Claim 11 Separated into Two Groups**

Per a telephone discussion with the Examiner, the Examiner now agrees that Claim 11 will be considered as a single group including steps (A), (B) and (C). Accordingly, Group I now includes Claim 11 as a whole and Group II no longer exists.

#### **Claim 18 Appearing in Two Groups**

Per a telephone conversation with the Examiner, the Examiner asserts that the recitation of Claim 18 in Group III is a typographical error and Claim 18 belongs to Group IX only. Applicants respectfully disagree.

The originally recited Group III includes Claims 12 and 18, drawn to a process. The previously presented Claim 18 reads "The process according to claim 12, wherein the group VIII metal compound is palladium or nickel, and the reaction is carried out in the presence of a ligand." Claim 18 presents a further claim limitation of the term "group VIII metal compound," which evidently appears in the previously presented Claim 12. Claim 18 alone does not present an invention because group VIII metal compound is already disclosed in previously presented Claim 12.

#### **Claim 22 not Appearing in any Group**

Per a telephone discussion with the Examiner, the Examiner now agrees that the recitation of Claim 23 in Group VIII is a typographical error and Group VIII should include claims 17, 21, and 22.

**Lack of Unity of Invention between Groups I and II**

The Examiner has alleged that Groups I and II lack unity of invention as being multiple processes of preparing. Because the Examiner has now agreed that Claim 11 should be considered as a whole in Group I invention. The issue that there is lack of unity of invention between Groups I and II is now moot.

**Lack of Unity of Invention between among Inventions I-IX**

The Examiner has alleged that inventions I-IX lack of unity as they produce chemically different compounds. Applicants respectfully traverse.

It should first be noted that the compound of formula [VI'] in Claim 12 is a potential precursor of compound of formula [VI] recited in Claim 1(A)(2), that the compound of formula [VII''] in Claim 13 is a potential precursor of compound of formula [VII'] recited in Claim 14; that [VII'] recited in Claim 14 is a precursor of the compound of formula [VII] recited in Claim 1(A)(3), that the compound of formula [VIII'] in Claim 14 is a potential precursor of compound of formula [VIII] recited in Claim 1(A)(3), that the compound of formula [X'] in Claim 15 is a potential precursor of compound of formula [X] recited in Claim 1(B)(2) that the compound of formula [VII'''] in Claim 16 is a potential precursor of compound of formula [VII''] recited in Claim 13, that the compound of formula [VII'''] in Claim 17 is a potential precursor of compound of formula [VII''] recited in Claim 16.

Furthermore, the Examiner has failed to establish an undue burden to examine the amended set of claims. All the compounds and intermediates are well labeled and the relationship between precursors and products are clear.

Based on the discussion above, Applicants submit that all claims should be considered in the same case. Applicants claim a novel process for making the compound of formula [I]. Such claims should be considered in a single application.

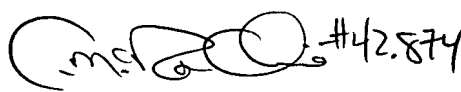
Should there be any outstanding matters that need to be resolved in the present application, the Examiner is respectfully requested to contact Crag A. McRobbie, Registration No. 42,874 at the telephone number of the undersigned below, to conduct an interview in an effort to expedite prosecution in connection with the present application.

- ☒ Attached is a Petition for Extension of Time.
- ☐ Attached hereto is the fee transmittal listing the required fees.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to our Deposit Account No. 02-2448 for any additional fees required under 37 C.F.R. § 1.16 or under § 1.17; particularly, extension of time fees.

Dated: July 2, 2007

Respectfully submitted,

By  #42.874  
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